

1 BILAL A. ESSAYLI  
2 Acting United States Attorney  
3 JOSEPH T. MCNALLY  
4 Assistant United States Attorney  
5 Acting Chief, Criminal Division  
6 KELSEY A. STIMSON (Cal. Bar No. 360437)  
7 CLIFFORD D. MPARE, JR. (Cal. Bar No. 337818)  
8 Assistant United States Attorneys  
9 Major Crimes Section  
10 1300 United States Courthouse  
11 312 North Spring Street  
12 Los Angeles, California 90012  
13 Telephone: (213) 894-8230/4962  
14 Facsimile: (213) 894-6269/0141  
15 E-mail: Kelsey.Stimson@usdoj.gov  
16 Clifford.Mpare@usdoj.gov

17 Attorneys for Plaintiff  
18 UNITED STATES OF AMERICA

19 UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA,

22 No. 5:24-cr-00023-MWF

23 Plaintiff,

24 STIPULATION REGARDING REQUEST FOR  
(1) CONTINUANCE OF TRIAL DATE AND  
(2) FINDINGS OF EXCLUDABLE TIME  
PERIODS PURSUANT TO SPEEDY TRIAL  
ACT

25 KENNETH RAY JOHNSON, III,

26 **CURRENT TRIAL DATE:** 10-14-2025  
**PROPOSED TRIAL DATE:** 03-24-2026

27 Defendant.

28 Plaintiff United States of America, by and through its counsel  
of record, the United States Attorney for the Central District of  
California and Assistant United States Attorneys Kelsey A. Stimson  
and Clifford D. Mpare, Jr., and Jaya C. Gupta, counsel of record for  
defendant Kenneth Ray Johnson, III ("defendant"), hereby stipulate as  
follows:

29 1. The Indictment in this case was filed on January 23, 2024.  
30 Defendant first appeared before a judicial officer of the court in  
31 which the charges in this case were pending on February 23, 2024.

1 The Speedy Trial Act, 18 U.S.C. § 3161, originally required that the  
2 trial commence on or before May 3, 2024.

3       2. On February 23, 2024, the Court set a trial date of April  
4 16, 2024. The Court has since continued the trial date from April  
5 16, 2024, to October 14, 2025. (Dkt. Nos. 24, 28, 41.)

6       3. Defendant is detained pending trial. The parties estimate  
7 that the trial in this matter will last approximately seven days.

8       4. By this stipulation, defense counsel moves to continue the  
9 trial date to March 24, 2026 and the status conference to March 9,  
10 2026. This is the third request for a continuance.

11       5. Defense counsel requests the continuance based upon the  
12 following facts, which the parties believe demonstrate good cause to  
13 support the appropriate findings under the Speedy Trial Act:

14           a. Defendant is charged with a violation of 18 U.S.C.  
15 §§ 1111, 7(3), first degree murder within the special maritime and  
16 territorial jurisdiction of the United States. The government has  
17 produced discovery to the defense.

18           b. Due to the nature of the prosecution, including the  
19 charges in the indictment, this case is so unusual and so complex  
20 that it is unreasonable to expect adequate preparation for pretrial  
21 proceedings or for the trial itself within the Speedy Trial Act time  
22 limits.

23           c. In or about July 2025, defense counsel Anne O'Toole's  
24 representation of defendant ended.

25           d. Defense counsel Jaya C. Gupta has the trial conflicts  
26 set forth in the attached Exhibit A. Accordingly, counsel represents  
27 that she will not have the time that she believes is necessary to  
28 prepare to try this case on the current trial date.

1                   e. In light of the foregoing, counsel for defendant also  
2 represent that additional time is necessary to confer with defendant,  
3 conduct and complete an independent investigation of the case,  
4 conduct and complete additional legal research including for  
5 potential pre-trial motions, review the discovery and potential  
6 evidence in the case, and prepare for trial in the event that a  
7 pretrial resolution does not occur. Defense counsel represents that  
8 failure to grant the continuance would deny them reasonable time  
9 necessary for effective preparation, taking into account the exercise  
10 of due diligence.

11                  f. At the September 10, 2025 status conference, the Court  
12 inquired of defendant and counsel in open court regarding defendant's  
13 Speedy Trial Act rights and defense counsel's request for a  
14 continuance of trial from October 14, 2025, to March 24, 2026. The  
15 Court granted the requested continuance over the defendant's  
16 objection for the reasons stated on the record and directed the  
17 parties to file a stipulation. (See Dkt. No. 51 (Criminal Minutes).)

18                  g. The government does not object to the continuance.

19                  h. The requested continuance is not based on congestion  
20 of the Court's calendar, lack of diligent preparation on the part of  
21 the attorney for the government or the defense, or failure on the  
22 part of the attorney for the Government to obtain available  
23 witnesses.

24                 6. For purposes of computing the date under the Speedy Trial  
25 Act by which defendant's trial must commence, the parties agree that  
26 the time period of October 14, 2025 to March 24, 2026, inclusive,  
27 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
28 (h)(7)(B)(i), (h)(7)(B)(ii), and (h)(7)(B)(iv) because the delay

1 results from a continuance granted by the Court at defendant's  
2 request, without government objection, on the basis of the Court's  
3 finding that: (i) the ends of justice served by the continuance  
4 outweigh the best interest of the public and defendant in a speedy  
5 trial; (ii) failure to grant the continuance would be likely to make  
6 a continuation of the proceeding impossible, or result in a  
7 miscarriage of justice; and (iii) failure to grant the continuance  
8 would unreasonably deny defendant continuity of counsel and would  
9 deny defense counsel the reasonable time necessary for effective  
10 preparation, taking into account the exercise of due diligence.

11       7. Nothing in this stipulation shall preclude a finding that  
12 other provisions of the Speedy Trial Act dictate that additional time  
13 periods be excluded from the period within which trial must commence.  
14 Moreover, the same provisions and/or other provisions of the Speedy  
15 Trial Act may in the future authorize the exclusion of additional  
16 time periods from the period within which trial must commence.

17 IT IS SO STIPULATED.

18 Dated: September 15, 2025 Respectfully submitted,

19 BILAL A. ESSAYLI  
Acting United States Attorney

21 JOSEPH T. MCNALLY  
Acting Assistant United States Attorney  
Chief, Criminal Division

25 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

27           /s/ Jaya Gupta  
JAYA C. GUPTA  
28           Attorney for Defendant  
Kenneth Ray Johnson, III

September 16, 2025

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## EXHIBIT A

**DECLARATION OF JAYA C. GUPTA**

I, Jaya C. Gupta, declare as follows:

I am representing defendant KENNETH RAY JOHNSON, III, who was charged in *United States v. Johnson*, Case No. 5:24-cr-23-MWF. I make this declaration in support of the defense motion to continue the trial date from October 14, 2025, to March 24, 2026. I have knowledge of the facts set forth herein and could and would testify to those facts fully and truthfully if called and sworn as a witness.

I have the following trial conflicts:

i. United States v. Melvin Gilbert Thomas, No. 2:25-cr-00028-MWF (C.D. Cal.), a felon in possession case in which the Federal Public Defender's Office is advisory counsel. Trial is currently scheduled for October 21, 2025.

ii. United States v. Alejandro Alvarez, No. 25-cr-96-JAK (C.D. Cal.), a single defendant felon in possession and theft of mail case. Trial is currently scheduled for November 18, 2025.

iii. United States v. John Rivers, No. 25-cr-11-JLS (C.D. Cal.), a single defendant case charging possession of methamphetamine with intent to distribute and a violation of § 924(c), and alleging that a death resulted. Trial is currently set for December 2, 2025.

iv. United States v. Anthony Fidis, No. 23-cr-163-JVS (C.D. Cal.), single-defendant felon in possession case. Trial is currently set for December 9, 2025.

v. United States v. Miguel Lopez, No. 24-cr-00014-ODW (C.D. Cal.), a single-defendant possession with intent to distribute fentanyl case. Trial is currently set for December 27, 2025.

1                         vi. United States v. Jesus Soto Parada, No. 24-cr-  
2 00093-DMG (C.D. Cal.), a complex, multi-defendant, multi-count Hobbs  
3 Act robbery and conspiracy case. Trial is currently scheduled for  
4 January 27, 2026.

5                         vii. United States v. Victor Aguilar Mendoza, No. 25-  
6 cr-00567-SRM (C.D. Cal.), an illegal re-entry case. Trial is  
7 currently scheduled for January 27, 2026.

8                         viii. United States v. Joshua Williams et al., No.  
9 25-cr-00017-JVS (C.D. Cal.), a complex, 34 count, multi-defendant  
10 conspiracy to commit bank fraud, bank fraud, aggravated identity  
11 theft case. Trial is currently set for February 3, 2026.

12                         ix. United States v. Leopoldo Garcia-Miranda, No.  
13 2:25-cr-00265-CV (C.D. Cal.), a possession with intent to distribute  
14 fentanyl case. Trial is currently set for February 17, 2026.

15                         x. United State v. Keith Callum, No. 2:25-cr-00356-  
16 AH (C.D. Cal.), a felon in possession of a firearm case. Trial is  
17 currently set for February 24, 2026.

18  
19                         Accordingly, I believe that I will not have the time that I  
20 believe is necessary to prepare to try this case on the current trial  
21 date.

22  
23                         I declare under penalty of perjury under the laws of the United  
24 States of America that the foregoing is true and correct and that  
25 this declaration is executed at Los Angeles, California, on September  
26 16, 2025.

27                         /s/ Jaya Gupta

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JAYA C. GUPTA